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Gender-based Domestic Violence Against Women

Violence against women is widespread issue and crime all around the world. Despite that states and international organizations have made great efforts in this direction, the latent nature of this crime and the existing Stereotyped attitudes prevent it from being effectively combated, especially if there is gender-based violence, which is much more difficult to effectively respond to and prevent than a one-time, violence as situational action. Gender-based violence is more prevalent in cases of domestic violence and this makes it even more difficult to detect the crime, its correct classification and fight against it.

The article reviews the compatibility of Georgian National Legislation with International Documents regulating this issue, the nature of gender-based violence, the issue of defining motive in criminal cases and Practice of Georgian and European Courts of human rights.

Key words: *Violence against women, gender discrimination, domestic violence.*

1. Introduction

Gender-based violence is a widespread and urgent issue and a serious crime in the world affecting people of all ages and backgrounds. Despite that states and international organizations have made great efforts in it, studies show that the problem is much more global than common criminal activity. It requires a complex approach, both in terms of supporting the victims of gender-based violence and imposing an adequate responsibility measure on the perpetrators, as well as making changes in criminal law policy and legislation. However, much more is needed rather than responding to what happened, because such violence can cause devastating consequences for the victim, minors, and those around them. To fight against this crime, raising public awareness is of great importance, since gender discrimination and the violence caused by it are often the result of society's stereotyped attitude towards the victim.

The World Health Organization defines violence against women and girls, mostly intimate partner violence, as “a major public and clinical health problem and gross human rights violation.” It is rooted in and perpetuates gender inequalities. According to the World Health Organization statistics, globally, one in three women experience physical and/or sexual violence in her lifetime, that is a stark reminder of the scale of gender inequality and discrimination against women.¹

It can be said that in the Georgian legislative area and practice, discussion on gender-based domestic violence has started not long ago, and therefore, there are differences of opinions. The

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¹ Violence against women <https://www.who.int/health-topics/violence-against-women#tab=tab_1> [21.09.2023].

challenges in defining the motive of gender discrimination in the criminal act should also be noted. In order to respond appropriately to this category of crime and to have a tangible result in the fight against it, it is important to evaluate accurately – what is Violence motivated by gender discrimination, what are the prerequisites for it and why the state should be focused on the accurate evaluation of the perpetrator's actions, adequate responsibility and prevention of this crime.

2. Compatibility of Georgian National Legislation with International Framework Documents

On September 22, 1994, the Parliament of Georgia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – adopted by the United Nations on December 18, 1979. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.²

The Convention is the most important international women's rights document and establishes the obligations of the signatory states to provide guarantees for the realization of these rights. However, important legislative and practical reforms on the topic of violence against women and gender discrimination on the part of the state have started gradually since 2014.

The Law on Elimination of All Forms of Discrimination, adopted on May 2, 2014, is a special regulatory framework document for ensuring equality in Georgia, the purpose of which is to eliminate all forms of discrimination and ensure equal enjoyment of the rights established by the legislation of Georgia for any individual.

On May 11, 2011, in order to promote international cooperation for the elimination of violence against women and domestic violence, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) was developed, the purpose of which is to prevent violence and protect women from all forms of violence.

According to the preamble of the Convention, member states of the Council of Europe and other signatories recognize that the realization of de jure and de facto equality between women and men is a key element in the prevention of violence against women. Recognizing that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women.³

Among the signatory states of the 2014 document, Georgia became the 23rd country that ratified the Istanbul Convention in 2017. The Convention promotes the elimination of all forms of discrimination against women and the establishment of real equality between women and men. In addition,

² UN Convention on the elimination of All Forms of Discrimination against Women, part 1, article 1, 18/12/1979.

³ The Council of Europe's Istanbul Convention on Violence against Women, 11/05/2011.

it also creates a complex framework and political course to protect and assist victims of violence against women and domestic violence.

Article 6 of the Convention defines the obligation to conduct a gender-sensitive policy, which implies the responsibility of the parties to include gender perspectives in the implementation of the provisions of the given convention and their impact assessment and to promote and successfully implement policies of equality between women and men and the empowerment of women.

The Convention came into effect in Georgia on September 1, 2017. During the last 6 years, Georgia has taken important steps to improve the condition of women, prevent discrimination and protect women's rights. Significant progress has been made in terms of establishing gender equality in the direction of legislative and policy reform.

In order to improve and strengthen the national framework for gender equality in relation to the Istanbul Convention, several laws have been amended. According to the amendments, the Criminal Code defined stalking and punishability (Article 151¹), criminalized forced sterilization and female genital mutilation (Article 133²). Also, committing gender-based crime was recognized as an aggravating circumstance in relation to such crimes as murder (Article 109), incitement to suicide (Article 115), intentional serious bodily injury (Article 117), intentional less grave bodily injury (Article 118).⁴

The aggravating factors of the crime were determined by Article 53¹ of the Criminal Code. Committing a crime on the basis of race, skin color, language, sex, sexual orientation, gender, gender identity, age, religion, political or other views, disability, citizenship, national, ethnic or social affiliation, origin, property or birth status, place of residence or other attribute of discrimination on grounds of intolerance shall be an aggravating circumstance of liability for all relevant crimes under the Criminal Code.

The aforementioned amendments to the Criminal Code are aimed at purposefully fighting against those crimes committed under the influence of stereotyped attitudes towards a specific gender.

It is significant that in the Constitution of Georgia, with the changes made in 2018, there was a record of ensuring essential equality for the first time. Article 11 of the Constitution of Georgia defines that the State shall provide equal rights and opportunities for men and women and focuses on ensuring the substantive equality of men and women and to eliminate inequality and obliges the state to develop and implement laws, policies and programs to ensure equal opportunities and equal outcomes for women and men.⁵

3. Gender Discrimination as Motive for Domestic Violence Against Women

3.1. The Concept of Gender Discrimination

According to the Istanbul Convention, gender-based violence against women refers to violence directed against women because they are women or violence affecting them disproportionately.⁶

⁴ Criminal Code of Georgia, July 22, 1999.

⁵ Constitution of Georgia, August 24, 1995; Constitutional Law N2071 of Georgia of March 23, 2018.

⁶ The Council of Europe's Istanbul Convention on Violence against Women, 11/05/2011.

According to General Recommendation N19 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which refers to violence against women, gender-based violence seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Gender-based violence is violence that is directed against a woman because she is a woman or that affects women disproportionately. These acts include physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.⁷

As Practice has shown, gender-based violence occurs most often in cases of domestic violence, which in turn belongs to the most hidden form of violence against women. According to the analysis published on the website of the Prosecution Service of Georgia “Gender-based discrimination motive in cases of violence against (2022)”, in 2022, out of 1069 persons charged with criminal charges for violence committed on the basis of gender discrimination, 912 persons are accused of family crimes, and 157 – of non-family crimes.⁸

“Family violence is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes”.⁹ “The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality”.¹⁰

Legislation should remove the defense of honor in regard to the assault or murder of a female family member, as an opportunity to exclude or relieve liability for similar actions.¹¹

For the purpose of the Istanbul Convention, “gender” shall mean the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men. According to the convention, “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹²

In order to find out whether the crime was committed with the motive of gender discrimination, it should be determined whether the perpetrator's criminal act is due to the influence of gender stereotypes or not. Gender stereotype is a radically different assessment of the similar behavior of men and women.¹³ Consequently, men's perpetration of domestic abuse is grounded in inequalities in power between women and men, and social norms for male/female relationships.

⁷ UN Convention on the elimination of All Forms of Discrimination against Women, General Recommendation No. 19, Paragraph 6, 1992.

⁸ Gender-based discrimination motive in cases of violence against, <<https://pog.gov.ge/uploads/a97a2799-genderuli-diskriminaciis-motivi-2022.pdf>> [21.09.2023].

⁹ UN Convention on the elimination of All Forms of Discrimination against Women, General Recommendation No. 19, 1992. Comments on specific articles of the Convention.

¹⁰ Ibid.

¹¹ UN Convention on the elimination of All Forms of Discrimination against Women, General Recommendation No. 19, 1992. Comments on specific articles of the Convention 24 (S) (i).

¹² The Council of Europe’s Istanbul Convention on Violence against Women, 11/05/2011.

¹³ *Bakradze M., Kvirikashvili M., Merebashvili N., A Practical Toolkit for Judges and Prosecutors to Guarantee Women's Access to Justice*, 2016, 41-42.

Whilst the majority of perpetrators are men, this does not mean that men do not experience domestic abuse and, like women, may suffer damage to their physical mental health. However, there are important differences between male violence against women and female violence against men, specifically the amount, severity and impact of abuse. Acknowledgement of the gendered nature and characteristics of domestic abuse is therefore crucial for devising preventative, response and intervention strategies for those who experience it.¹⁴

Therefore, gender-based crimes are mainly committed because the social expression of the victim is not compatible with the perpetrator's perception of his/her gender and gender role conformity. Accordingly, sex and gender in this context are completely different dimensions, and the circumstances of a specific crime determine the motivation and attitudes of the person who commits the crime.

The results of the 2020 study “Men, Women and Gender Relations in Georgia: Public Perceptions and Attitudes” carried out within the scope of the United Nations Development Program, the United Nations Women's Organization and the United Nations Population Fund Joint Program “For gender equality in Georgia”, show the existing gender inequality in public perceptions. It is true that the spread of stereotypes related to gender roles has significantly declined in the recent period and there has been growing awareness of the need for gender equality, however, certain inequitable perceptions of women in public life and women’s leadership continue to persist.¹⁵

It should be noted that until 2020, Georgia did not have a unified methodology for producing statistics on crimes committed on grounds of intolerance with discrimination basis. On September 23, 2020, with the support of the Council of Europe, a memorandum of cooperation was signed between Ministry of Internal Affairs of Georgia, Office of the Prosecutor General of Georgia, Supreme Court and National Statistical Service on the production of statistics of crimes committed on grounds of intolerance with discrimination basis and the issuance of a unified report, on the basis of which, on March 1 of each year, data of the previous reporting year are published on the website of the National Statistical Service of Georgia.¹⁶

3.2. Judgements of the European Court of Human Rights on Gender-Based Violence

As it has been already mentioned, gender inequality often creates the basis for violence and, accordingly, for inappropriate responses to violence. And the attitude of law enforcement officers and courts is often directly correlated with the creation of a violent environment based on discrimination.

In the precedent case of the European Court of Human Rights, *Opuz V. Turkey*, the Court noted that according to the international-law rules and principles, accepted by the vast majority of States, the

¹⁴ *Burman M.*, Gender aspects, Gender and Domestic abuse, <<https://www.improdova.eu/project/gender/index.php>> [21.09.2023].

¹⁵ Men, Women and Gender Relations in Georgia: Public Perceptions and Attitudes”, 2020, <https://www.undp.org/sites/g/files/zskgke326/files/migration/ge/UNDP_GE_DG_gendersurvey_report_2020_geo.pdf> [21.09.2023].

¹⁶ 2020 Activity Report of the Office of the Prosecutor General of Georgia, 2021, <<https://pog.gov.ge/uploads/42f3329b-saqarTvelos-prokuraturis-saqmianobis-2020-wlis-angarishi.pdf>> [21.09.2023].

State's failure – even if unintentional – to protect women against domestic violence breached women's right to equal protection of the law. Domestic violence affected mainly women and that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence.¹⁷

In the case, *M.G. V. Turkey*, the European Court of Human Rights said that the state's failure to protect women from domestic violence breached women's right to equal protection of the law and that judicial passivity contributed to domestic violence in the country.¹⁸

Also, in the case of *Durmaz v. Turkey*, the court found that Article 2 of the Convention had been violated. Turkish authorities had failed to carry out an effective investigation into woman's suspicious death and the court concluded that domestic violence affected mainly women and that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence.¹⁹

With impunity for the perpetrator, the European Court of Human Rights also discussed a certain denial on the part of national authorities as to the seriousness of domestic violence, and as to the particular vulnerability of the victims of this violence. By regularly turning a blind eye to the repetition of acts of violence and threats against the victim's life, the domestic authorities created a climate conducive to this violence.²⁰

The above-mentioned cases show that the role of the state in creating a gender-equal non-violent environment is great and should be expressed in the development of gender-sensitive legislation, its implementation, production of accurate statistics, preparation of national and agency-level strategies and action plans, which will contribute to the fight against gender stereotype inciting violence.

4. Identifying Gender Discrimination as Motive in Criminal Cases

4.1. Circumstances that Point to Discrimination as Motive

Identifying the motive in cases of domestic violence, domestic crime, and violence against women is a crucial prerequisite for the correct legal classification of the act and for determining the appropriate punishment corresponding to its gravity. To establish gender discrimination as a motive for the crime, it is necessary to assess whether the action exhibits preconditions, attitudes, control of women's behavior, possessive attitudes, and the deterioration of social roles resulting from stereotypical views on women's gender roles and the patriarchal environment. The influence of these stereotypical views often drives violence based on gender discrimination, and these views can manifest in various ways. Each specific case must be evaluated, taking into account its unique circumstances.

Obviously, the causes of domestic violence are various. “As a result of the public research conducted in Georgia, the majority identifies unemployment, alcoholism, drug addiction and other socio-economic problems as the main cause of domestic violence. The listed factors only affect the

¹⁷ *Opuz V. Turkey*, № 33401/02; 09/06/2009.

¹⁸ *M.G. v. Turkey*, № 646/10; 22/03/2016.

¹⁹ *Durmaz v. Turkey*, № N3621/07; 13/02/2015.

²⁰ *Halime Kilic v. Turkey*, N63034/11; 28/06/2016.

level of violence and, to some extent, can be considered as elements that incite it. When it comes to reasons, the most important elements are power and control.”²¹

Coercive control is a critical factor that distinguishes the different types of relationships in which intimate partner violence occurs.²²

Control of behavior is often expressed by coercion, threats, intimidation, isolation, emotional violence, control of social life, activities, relationships with family, friends, acquaintances, making independent personal decisions, often accompanied by economic violence.

The demonstration of the control of behavior, the victim's disobedience to this control, or sometimes the aggressor's subjective perception that the victim is trying to escape the control, becomes the very reason for violence. Therefore, physical or sexual violence are tools that abusers use to achieve coercive control over their victims. Coercive control is a practical expression of cultural gender stereotypes of male dominance and female subservience. It is also believed that coercive control, more than physical abuse, contributes to the devastating psychological effects of domestic violence on many of its victims, such as depression, anxiety and post-traumatic stress disorder.²³

Some argue that there are two different types of violence against women by men. The main pattern of the first type of violence is “intimate terrorism” (referred to by the term “patriarchal terrorism” in earlier works)²⁴, the main characteristics of which are controlling behaviors and the attempt by the abuser to have general control over the partner. This form of violence is mainly characteristic of domestic crime. In contrast, “situational couple violence” is not about trying to exercise general control over a partner and is an escalation of a specific conflict into violence. Violence in these relationships usually does not escalate and is limited to a specific conflict incident. It seems to be equally initiated by men and women.²⁵

In the national survey of violence against women, which refers to attitudes in Georgian reality to gender relations and violence against women, the trend of accepting unequal gender norms was highlighted:

The majority of women (66%) and men (78%) agree with the opinion that the most important role of a woman is to keep things in order at home. At the same time, almost half of men (42%) believe that a wife should obey her husband. 22% of women and 31% of men believe that wife beating is justified in certain cases. Both male (50%) and female (33%) respondents believe that intimate partner violence is a matter of personal life and no one should interfere in it. Within the framework of

²¹ *Meskhi M.*, Violence in Family – Moral and Legal Aspects of the Problem, *TSU International Law Journal*, 2011, 61-62.

²² *Johnson MP.*, Conflict and control: Gender symmetry and asymmetry in domestic violence. *Violence against Women*, 2006, 1003–1018.

²³ *Stark E.*, Reply to Michael P. Johnson’s conflict and control: Gender symmetry and asymmetry in domestic violence, *Violence against Women*. 2006, 1019–1025.

²⁴ *Johnson M., Leone J.*, The differential effects of intimate terrorism and situational couple violence: Findings from the National Violence against Women Survey, *Journal of Family Issues*, 2005, 26 (3), 322–323.

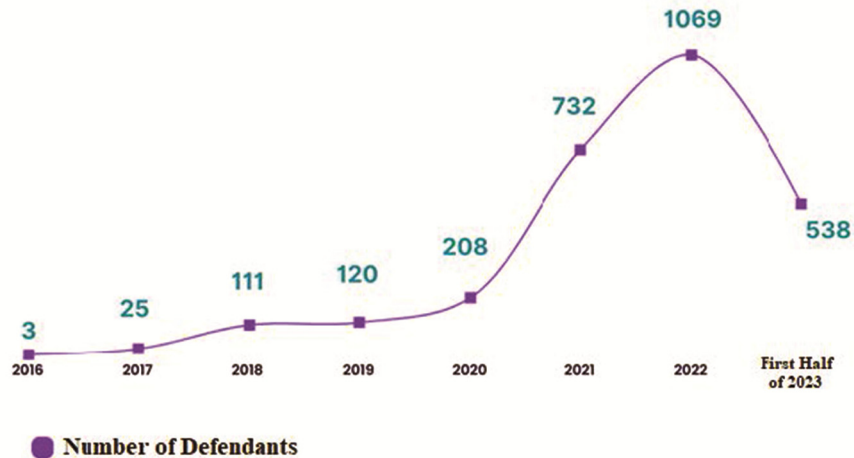
²⁵ *Johnson M., Leone J.*, The differential effects of intimate terrorism and situational couple violence: Findings from the National Violence against Women Survey. *Journal of Family Issues*, 2005, 26 (3), 322–323.

the research, the opinion was also voiced – “if a neighbor beats his wife, *i.e.* from this man's point of view, the wife deserved it” (state a male participant from a rural focus group).²⁶

It should be noted that identifying gender discrimination as the motive behind violent acts has been a challenge in investigations for years. It was often not possible to establish the mentioned motive beyond the violence attributed to “domestic disagreements”, “jealousy” or “revenge”.

Taking a look at statistics by the year reveals that the crime of intolerance to gender was identified only in cases against 3 defendants in 2016, 25 in 2017, 111 in 2018, 120 in 2019, 208 in 2020, 732 in 2021, and 1,069 in 2022, including 4 persons facing combined gender and other forms of discrimination (ethnic, national and social affiliation, limited opportunities). The statistical data for 2022 showed a 46% increase in the initiation of criminal prosecutions, which on its part is 128,9% more than the total of 467 prosecutions initiated in 2016-2020. In the first half of 2023, criminal prosecution was initiated against 538 individuals with gender intolerance as the motive, including 2 individuals facing combined gender and other forms of discrimination (such as sexual orientation and religion). Among those granted the procedural status of victim, 533 were women, 1 was a transgender woman, and 6 were men.²⁷

OFFENSES WITH GENDER INTOLERANCE AS THE MOTIVE



4.2. Analyzing the Case Law

Among the persons convicted by the courts for crimes committed on the basis of discrimination, the number and percentage of those who have committed crimes based on gender intolerance as the motive prevails.

²⁶ National Study on Violence against Women in Georgia, 2017. <<http://gender.geostat.ge/gender/img/publicationspdf/National%20VAW%20Study%20Report%20Geo.pdf>> [21.09.2023].

²⁷ The Activity Report of the Prosecution Service of Georgia for the First Half of 2023.

It should be noted that in 2022, compared to 2021, the number of convicts against whom the court applied Article 53¹ §1 of the Criminal Code as an aggravating circumstance increased by 120%, and it is mainly related to the increase in the number of convicts who committed crimes based on gender intolerance as the motive, which shows the increasing trend over the reporting years. According to statistical data, Article 53¹ §1 of the Criminal Code is applied mainly in relation to persons convicted of crimes of domestic violence, threats against a family member, the number of which has increased in 2022 compared to 2021.²⁸

In the most of the cases, in relation to crimes committed on the basis of intolerance, the court uses imprisonment or probation as punishment. It should be noted that in 2022, compared to 2021, the share of imprisonment in the punishments applied by the court to persons convicted of crimes committed with the motive of intolerance has increased and the proportion of conditional sentences has decreased.²⁹

It is important to discuss the element of discrimination in the indictment and, accordingly, in the judgment issued by the court, in order to give the correct legal classification to the action and accordingly, with reference to Article 53¹ of the Criminal Code, to determine an adequate punishment.

In recent years, court judgments have increasingly discussed the discrimination as the motive, especially in cases of domestic crime.

For example, in one of the judgments in a murder case, the court finds the fact established that any action of the victim should have been agreed upon with the defendant in advance and that the murdered woman should have obeyed the rules established by the defendant. The court relied on the witnesses' testimony that the defendant had complete control over the victim, the deceased had no right to leave the house without informing him, and the defendant would set a time for the victim whenever she left the house, she had no right to do anything without the agreement of her spouse. The defendant often shouted at her and verbally abused her. Therefore, the court found that the murder had a qualifying element in the form of gender discrimination, which is provided for by of Article 109 (h) of the Criminal Code. The court explains that “it refers to the case when the motive for the murder is the victim's gender. Thus, it is necessary to determine that the dominant motive of the murder was the victim's gender.”³⁰

In the same judgment, the court reasons that when legally classifying the crime with the aforementioned aggravating factor, it is necessary to establish that the person was aware of such qualifying factor and that this should include his intention. In this case, the dominant motive for the murder was the victim's gender, which was manifested in the fact that “the defendant perceived the deceased as his property, who had no right to decide at her own volition when, for how long and

²⁸ The 2022 Unified Statistical Report on Crimes Committed on Grounds of Intolerance with Discrimination Basis https://www.geostat.ge/media/51737/diskriminacia_2022.pdf; The 2021 Unified Statistical Report on Crimes Committed on Grounds of Intolerance with Discrimination Basis, <https://www.geostat.ge/media/43558/diskriminaciis-niSniT_2021.pdf> [21.09.2023].

²⁹ The 2022 Unified Statistical Report on Crimes Committed on Grounds of Intolerance with Discrimination Basis https://www.geostat.ge/media/51737/diskriminacia_2022.pdf; The 2021 Unified Statistical Report on Crimes Committed on Grounds of Intolerance with Discrimination Basis, <https://www.geostat.ge/media/43558/diskriminaciis-niSniT_2021.pdf> [21.09.2023].

³⁰ Judgment by Signaghi District Court dated May 29, 2023 case #1/6-23.

where she would go, that her every step should have been agreed with the accused and that the deceased should have obeyed the rules laid down by him”. Thus, the court considered it established that the murder was caused by the influence of gender stereotypes, the desire to demonstrate the superior status of the man in the family, as well as possessive attitude.”³¹

In contrast, in another criminal case, the judge did not consider the attempted murder of a family member to be gender-based, noting that this fact required special substantiation and concurrence of facts and circumstances. However, at the court session, the victim confirmed that the accused “always had the attitude that he is a man. He has the right to everything and he knows better what I need, who to be friends with; he was angry at the advice given by me because I am a woman and he is a man, he did not like me to go to relatives, I must have his permission, he also protested against me holding and checking my phone, he considered that I was his property and he would treat me as he wanted, and that was the reason of all the beatings...” She confirmed this when testifying in court.

Moreover, as the witnesses explained, the victim was afraid that the defendant would rush to her house and beat her, “as a man and a person with full rights over her, so to speak, her master, he seemingly had the right to abuse S. and she should have stayed quiet...”³²

At the same time, it should be noted that not only the motive of the crime and the correct legal classification are important and noteworthy, but also the prevention of further influence on the victim after charges are filed against the defendant, since often, pressure on the victim not to testify against the perpetrator is a continuation of the existing stereotypical and discriminatory attitude towards her.

5. Conclusion

In conclusion, it can be said that in recent years, the approach of law enforcement officers and the court to identifying gender discrimination as the motive in criminal cases has changed significantly. Practice has shown that in course of investigations or trials pertaining violence against women, domestic crime and femicide, emphasis is put on identifying gender discrimination as the motive. However, there are still different approaches and challenges in practice in this area.

Practically, in all cases of violence against women, it should be established whether the motive for committing the crime was the perpetrator's aggression against the stereotypically recognized role of women and behavior contrary to “traditions”, a completely different assessment of “forgivable” behavior for men and women, justice restored in the name of “dignity”, demonstration of power and control of behavior and so on. The prosecutor and the judge, respectively, in the indictment and judgment should discuss the mentioned motive, give appropriate qualification to the action of the perpetrator and implement the appropriate response provided by the law.

Gender discrimination is both the cause and the result of the crime perpetrated on a basis of a such motive. Stereotyped, discriminatory and intolerant attitudes often become the cause of violence, and at the same time, violence committed on grounds of intolerance with discrimination basis itself creates an environment for discrimination. Therefore, attention should be focused – first of all, on

³¹ Judgment by Signaghi District Court dated May 29, 2023 case #1/6-23.

³² Judgment by Tbilisi City Court of March 29, 2021, case #1/4487-20.

correctly seeing the motive of the criminal act, determining the stereotypical and anti-discrimination factors that determine this motive, raising awareness and enhancing effective response to the crime, which is expressed in the sensitive attitude of law enforcement officers and the court, adopting adequate penalties and empowering the victim.

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